

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM

Section 1, Chama Mainstream

Acequia de Suazo

ORDER ON PRIORITY DATE OF WATER RIGHTS
UNDER ACEQUIA DE SUAZO

THIS MATTER is before the Court following the April _____ 2011, *Motion for Order on Priority Date of Water Rights Under Acequia de Suazo* in Section 1 of the Rio Chama Stream System (Chama Mainstream) (Doc. No. _____).

The Court finds:

1. Pursuant to the *Amended Order on the Adjudication of Water right Priorities* (Doc. 3497, filed July 8, 1994), all know and unknown claimants of water rights under the Acequia de Suazo were served with a Notice and Order to Show Cause setting forth a priority date of 1740 for their water rights under this acequia. *See Certificate of Service* filed October 20, 1994 (Doc. No. 3526.A); *New Mexico's Certificate of Publication for Priority Date Notices and Orders to Show Cause* filed November 29, 1995 (Doc. No. 4413). No objections were filed to the proposed priority date of 1735 for water rights under the Acequia de Suazo.

3. The commissioners of the Acequia de Suazo and the State of New Mexico have

entered into a stipulation on priority date of the water rights under the Acequia de Suazo, and have stipulated that the priority date of those rights is 1735. *See Stipulation on Priority Date* filed April 12, 2010 (Docket No. 9668).

4. No objections have been filed to the April ____, 2011, *Motion for Order on Priority Date of Water Rights Under Acequia de Suazo* by the State of New Mexico, requesting that the Court approve and adopt the *Stipulation on Priority Date for Acequia de Suazo* filed December 27, 1995, and determine that 1735 is the priority date of the water rights under this acequia and amending all subfile orders entered to date for water rights under the Acequia de Suazo.

6. There is no just reason for a delay for the entry of a final judgment as to the priority date of the water rights for lands irrigated by the Acequia de Suazo.

IT IS ORDERED, THEREFORE, that the Court approves and adopts the *Stipulation on Priority Date* filed April 12, 2010 (Docket No. 9668).

IT IS FURTHER ORDERED, that 1735 is the priority date of the water rights under the Acequia de Suazo, and that the priority dates in all subfile orders heretofore entered in the Chama Mainstream Section that describe irrigation water rights under the Acequia de Suazo are revised and amended as follows:

Priority: 1735

The individual subfiles in the Chama Mainstream Section affected by the above provision of this Order are listed in Appendix 1 attached hereto.

IT IS FURTHER ORDERED, that the Court enters this Order as a final judgment, subject to the right of other water rights owners to file objections to individual adjudication orders prior to the entry of a final decree.

BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for approval:

SPECIAL MASTER VICKIE L. GABIN